

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**CLERK'S MINUTES**

***BEFORE DISTRICT JUDGE JAMES O. BROWNING***

**CASE No.:** 13-1551 JB      **DATE:** August 12, 2013  
**CASE CAPTION:** *USA v. Alaniz*  
**CRD:** K. Wild      **COURT REPORTER:** D. Everett  
**COURT IN SESSION:** 1:34 p.m.      **COURT IN RECESS:** 1:45 p.m. = :11  
**TYPE OF PROCEEDING:** Competency Hearing  
**COURT'S RULING/DISPOSITION:** see below  
**ORDER CONSISTENT WITH COURT'S RULING TO BE PREPARED BY:** Form of order submitted by defense counsel

**ATTORNEYS PRESENT FOR PLAINTIFF(S):**      **ATTORNEYS PRESENT FOR DEFENDANT(S):**  
Charles Barth, AUSA      Steve McCue (Appointed)

**PROCEEDINGS**

**COURT IN SESSION:** 1:34 p.m.

**Court:** Calls case. Counsel enter appearances. Defendant present (in custody).

**Mr. McCue:** Addresses Court. Agree with Cave's report - observations and conclusions - consistent with his interactions with Defendant. Requests Court adopt findings of report, find Defendant incompetent and commit to BOP for reasonable amount of time not to exceed 4 months for evaluation and treatment. Have submitted form of order to Court.

**1:36 p.m. Mr. Barth:** Do not challenge report - have no objection to proposed form

of order submitted by defense counsel.

**1:37 p.m. Mr. McCue:** No further argument.

**Court:** Confirms can use Dr. Cave's report as basis for finding of incompetency?  
Counsel confirm.

**Court:** Instructs report be attached hereto as Ex. A. Concerned about findings in report - not sure Defendant will meet standards of incompetency by Butner/FMC. Finds by a preponderance of the evidence that the Defendant is suffering from a mental defect that renders her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her and to properly assist in her own defense. Discusses proposed modifications to form of order submitted by defense counsel.

Counsel concur with Court's modifications.

**1:44 p.m. Court:** Anything further?

Counsel indicate there is not.

**COURT IN RECESS: 1:45 p.m.**